IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
THE HON'BLE MR JUSTICE R.SUBHASH REDDY
WRIT PETITION NO : 6475 of 1997

Dated 14th November, 2006.

Between

Matchya Raju

....Petitioner

and

The Agency Divisional Officer and Special
Deputy Collector, Tribal Welfare, Paleru, Visakhapatnam
District and ors.

...Respondents.

THE HON'BLE MR JUSTICE R.SUBHASH REDDY

WRIT PETITION NO : 6475 of 1997

ORDER:

In this Writ Petition, the petitioner has questioned the order dated 20-7-1992 in LTR.No. 289 of 1992 passed by the Agency Divisional Officer & Special Deputy Collector, Tribal Welfare, Paleru, Visakhapatnam District.

On a complaint made by the Special Deputy Tahsildar, that the third respondent herein had encroached the Government site and is in possession of the said piece of land, proceedings were initiated before the Agency Divisional Officer & Special Deputy Collector, Tribal Welfare, Paleru. Pursuant to the notice issued to him, the third

respondent submitted his reply stating that the said piece of land, admeasuring 10 cents was allotted to him at free of market value for construction of residential house vide proceedings in Rc.No.1/68-B, dated 28-7-1968. In view of the stand of the third respondent, after verifying the original records, the Agency Divisional Officer & Special Deputy Collector, Tribal Welfare, has dropped the proceedings.

The petitioner has questioned the said order on the ground that the land admeasuring 10 cents allotted to the third respondent is in the scheduled area, and the third respondent is a non-tribal. It is to be noted that the said allotment was made on 28-7-1968 for construction of residential house and even the impugned order is not passed at the instance of the petitioner. The said order is passed on the report sent by the Special Deputy Tahsildar, Tribal Welfare. As much as the allotment made to the third respondent in the proceedings Rc.No.1/68-B, dated 28-7-1968 has become final and the same has not been questioned in any proceedings, I do not find any illegality in the order dated 20-7-1992 passed by the first respondent. In any event, the petitioner has not even complained before the said authority and, therefore, he cannot rush to this Court. There is also no special reason to entertain this Writ Petition bypassing the appeal remedy provided in the Regulations.

The Writ Petition is devoid of merits and the same is accordingly dismissed. No order as to costs.

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JUSTICE R. SUBHASH REDDY

DATE: 14-11-2006.
Msnr.

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